

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

-against-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.

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NOTICE OF MOTION

05 Cr. 621 (KMK)

A Suppression Hearing is Requested

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affirmation of Susan C. Wolfe, Esq., sworn to the 12th day of September, 2005, the accompanying Memorandum of Law, the Exhibits attached thereto, and all prior pleadings and proceedings had herein, the defendant, ALBERTO VILAR, will move this Court before the Hon. Kenneth Karas, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be fixed by the Court for an Order,

A. Suppressing all evidence seized pursuant to a search warrant executed on or about May 25, 2005 at the offices of Amerindo Investment Advisors, Inc., 399 Park Avenue, 22nd floor, New York, New York or, in the alternative, for a hearing;

B. Suppressing any and all post-arrest statements made by the defendant Vilar because of the failure to read him the *Miranda* rights;

C. Granting the defendant leave to file additional motions based on defendant's further review of the voluminous discovery in this case, and for leave to join in the motions made by counsel for co-defendant Tanaka to the extent said motions are applicable to the defendant Vilar;
AND

D. For such other and further relief as this Court deems just and proper.

Dated: New York, New York
September 12, 2005

YOURS, etc.,

HOFFMAN & POLLOK
Attorneys for the Defendant Alberto Vilar
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New York, NY 10016
(212) 679-2900

TO: UNITED STATES ATTORNEY
Southern District of New York
One St. Andrews Plaza
New York, New York 10007
Attn: AUSA Marc Litt

CLERK OF THE COURT